

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VALERIE L. KREGER,
aka VALERIE L. FLORES,
aka VALERIE KREGER-MUELLER,

Plaintiff,

v.

OPINION and ORDER

21-cv-446-jdp

DANE COUNTY and DAVID MAHAN FLORES,

Defendants.

I dismissed pro se plaintiff Valerie Kreger's complaint and allowed her an opportunity to file an amended complaint in a November 18, 2021, screening order. Dkt. 11. Plaintiff has submitted a timely amended complaint. Dkt. 12. Plaintiff then filed a notice of appeal directed at the November 18 screening order, which I construe as including a motion for leave to proceed in forma pauperis on appeal. Her appeal is interlocutory because it seeks review of a non-final order (her case is still proceeding). A party may appeal a non-final decision only in rare situations, and this is not one of them. 28 U.S.C. § 1292A.

But because only the court of appeals may determine whether it has jurisdiction to entertain an appeal, I will consider plaintiff's motion to proceed in forma pauperis. Under 28 U.S.C. § 1915(a)(3), a party is ineligible for in forma pauperis status on appeal if the appeal is "not taken in good faith." *See also* Fed. R. App. P. 24(a)(3). An appeal is taken in good faith if "a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000). No reasonable person could suppose that I was incorrect in dismissing plaintiff's complaint because it did not state a claim for relief, and in allowing her an opportunity to amend her allegations.

That means that plaintiff cannot proceed with this appeal without prepaying the \$505 filing fee, unless the court of appeals gives her permission to do so. Under Federal Rule of Appellate Procedure 24, plaintiff has 30 days from the date of this order to ask the court of appeals to review this order. Plaintiff must include with her motion a copy of her affidavit of indigency and a copy of this order.

Entered December 21, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge